

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

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AUTHOR: John Kelly
AFFILIATION:
ADDRESSEE: CHRM Dale Klein
SUBJECT: Oyster Creek nuclear relicensing application

ACTION: Direct Reply
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28

**THE BOARD OF CHOSEN FREEHOLDERS
OFFICE OF THE FREEHOLDER DIRECTOR**

OCEAN COUNTY
TOMS RIVER, NEW JERSEY 08754-2191

John P. Kelly
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February 27, 2007

Dr. Dale E. Klein, Chairman
Nuclear Regulatory Commission
11555 Rockville Pike
Rockville, MD 20852

Re: Oyster Creek Nuclear Plant Relicensing Application

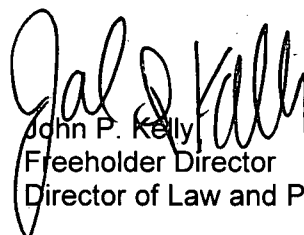
Dear Dr. Klein:

I am writing to you as Freeholder Director of the Ocean County Board of Chosen Freeholders, the County in which the Oyster Creek Nuclear Plant is located. The Board of Chosen Freeholders have been actively participating in the relicensing application currently before your agency. It has been the strong position of the Board that your agency must take into consideration security issues, both relating to plant operations and spent fuel storage, when considering relicensing. This position has been consistently presented to the NRC on behalf of the Board of Chosen Freeholders.

I have been advised that on February 26, 2007, your agency decided to deny the State of New Jersey's request to conduct a hearing on whether the consequences of a terrorist attack on the Oyster Creek Nuclear Plant should be made part of the review of that plant's application. I am dismayed at the NRC's action since such a requirement was imposed judicially by a recent ruling on spent fuel storage by the 9th Circuit Court of Appeals. While I understand that the 9th Circuit Court decision is not binding on cases brought forth in New Jersey, it makes absolute good public policy to apply that ruling in this case. It certainly makes no sense then to conclude that the National Environmental Policy Act, enacted 37 years ago, did not include terrorism and that terrorism shouldn't be considered by the NRC. Obviously, terrorism is now a very real concern for facilities such as Oyster Creek Nuclear Plant and must be taken into consideration by the NRC in its deliberations.

I would certainly hope that your agency reconsiders its decision and approves New Jersey's request to hold a hearing on this very important matter. If that is not the case, I will urge the Board of Chosen Freeholders to support the State of New Jersey in an appeal to the 3rd US Circuit Court of Appeals so that the question of terrorism can be treated equally across the country. I appreciate your review of this letter and trust that you will take the appropriate action to address this important public policy matter.

Very truly yours,


John P. Kelly
Freeholder Director
Director of Law and Public Safety

JPK/AWA:mac

c: United States Senator Robert Menendez
United States Senator Frank R. Lautenberg
United States Congressman Christopher H. Smith
United States Congressman H. James Saxton
Governor Jon S. Corzine, State of New Jersey
Senator Leonard T. Connors, Jr.
Assemblyman Christopher J. Connors
Assemblyman Brian E. Rumpf
Lisa P. Jackson, Commissioner, New Jersey Department of Environmental Protection
Members, Board of Chosen Freeholders
Timothy Rausch, Site Vice President, Oyster Creek Nuclear Generating Station
Gail Marsh Saxer, President, League of Women Voters of Ocean County
Cheryl Rundle-Borowski
Janet Tauro